



Reprinted
January 25, 2008

SENATE BILL No. 176

DIGEST OF SB 176 (Updated January 24, 2008 3:40 pm - DI 77)

Citations Affected: IC 14-8; IC 14-21; noncode.

Synopsis: Courthouse preservation advisory commission. Establishes the courthouse preservation advisory commission. Requires the commission to provide assistance for courthouse related projects. Requires the commission to submit a report to the legislative council. Repeals and relocates the definition of "division" for purposes of the division of historic preservation and archeology.

Effective: July 1, 2008.

Merritt, Simpson

January 8, 2008, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.
January 17, 2008, amended, reported favorably — Do Pass.
January 24, 2008, read second time, amended, ordered engrossed.

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SB 176—LS 6671/DI 77+



Reprinted
January 25, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 176

A BILL FOR AN ACT to amend the Indiana Code concerning
natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-8-2-48 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 48. (a) "Commission",
3 except as provided in subsections (b) through ~~(p)~~; **(r)**, refers to the
4 natural resources commission.
5 (b) "Commission", for purposes of IC 14-13-1, has the meaning set
6 forth in IC 14-13-1-1.
7 (c) "Commission", for purposes of IC 14-13-2, has the meaning set
8 forth in IC 14-13-2-2.
9 (d) "Commission", for purposes of IC 14-13-3, has the meaning set
10 forth in IC 14-13-3-1.
11 (e) "Commission", for purposes of IC 14-13-4, has the meaning set
12 forth in IC 14-13-4-1.
13 (f) "Commission", for purposes of IC 14-13-5, has the meaning set
14 forth in IC 14-13-5-1.
15 (g) "Commission", for purposes of IC 14-13-6, has the meaning set
16 forth in IC 14-13-6-2.
17 (h) "Commission", for purposes of IC 14-14-1, has the meaning set

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1 forth in IC 14-14-1-3.

2 (i) "Commission", for purposes of IC 14-20-4, has the meaning set
3 forth in IC 14-20-4-1.

4 (j) "Commission", for purposes of IC 14-20-11, has the meaning set
5 forth in IC 14-20-11-1.

6 **(k) "Commission", for purposes of IC 14-21-4, has the meaning
7 set forth in IC 14-21-4-1.**

8 ~~(k)~~ **(l)** "Commission", for purposes of IC 14-25-11, has the meaning
9 set forth in IC 14-25-11-1.

10 ~~(l)~~ **(m)** "Commission", for purposes of IC 14-28-4, has the meaning
11 set forth in IC 14-28-4-1.

12 ~~(m)~~ **(n)** "Commission", for purposes of IC 14-30-1, has the meaning
13 set forth in IC 14-30-1-2.

14 ~~(n)~~ **(o)** "Commission", for purposes of IC 14-30-2, has the meaning
15 set forth in IC 14-30-2-2.

16 ~~(o)~~ **(p)** "Commission", for purposes of IC 14-30-3, has the meaning
17 set forth in IC 14-30-3-2.

18 ~~(p)~~ **(q)** "Commission", for purposes of IC 14-30-4, has the meaning
19 set forth in IC 14-30-4-2.

20 ~~(q)~~ **(r)** "Commission", for purposes of IC 14-33-20, has the meaning
21 set forth in IC 14-33-20-2.

22 SECTION 2. IC 14-8-2-77, AS AMENDED BY P.L.1-2006,
23 SECTION 207, IS AMENDED TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2008]: Sec. 77. "Division" has the following
25 meaning:

26 (1) For purposes of IC 14-9-8, the meaning set forth in
27 IC 14-9-8-2.

28 (2) For purposes of IC 14-20-1, the meaning set forth in
29 IC 14-20-1-2.

30 (3) For purposes of ~~IC 14-21-1~~, **IC 14-21**, the meaning set forth
31 in ~~IC 14-21-1-6~~: **division of historic preservation and
32 archeology.**

33 (4) For purposes of IC 14-22, the division of fish and wildlife.

34 (5) For purposes of IC 14-24, the division of entomology and
35 plant pathology.

36 (6) For purposes of IC 14-25.5, the division of water.

37 (7) For purposes of IC 14-31-2, the meaning set forth in
38 IC 14-31-2-4.

39 (8) For purposes of IC 14-32, the division of soil conservation of
40 the department of agriculture established by IC 15-9-4-1.

41 (9) For purposes of IC 14-37, the division of oil and gas.

42 SECTION 3. IC 14-8-2-107, AS AMENDED BY P.L.1-2006,

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SECTION 208, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2008]: Sec. 107. "Fund" has the following
meaning:

(1) For purposes of IC 14-9-5, the meaning set forth in
IC 14-9-5-1.

(2) For purposes of IC 14-9-8-21, the meaning set forth in
IC 14-9-8-21.

(3) For purposes of IC 14-9-8-21.5, the meaning set forth in
IC 14-9-8-21.5.

(4) For purposes of IC 14-9-9, the meaning set forth in
IC 14-9-9-3.

(5) For purposes of IC 14-12-1, the meaning set forth in
IC 14-12-1-1.

(6) For purposes of IC 14-12-2, the meaning set forth in
IC 14-12-2-2.

(7) For purposes of IC 14-12-3, the meaning set forth in
IC 14-12-3-2.

(8) For purposes of IC 14-13-1, the meaning set forth in
IC 14-13-1-2.

(9) For purposes of IC 14-13-2, the meaning set forth in
IC 14-13-2-3.

(10) For purposes of IC 14-16-1, the meaning set forth in
IC 14-16-1-30.

(11) For purposes of IC 14-19-8, the meaning set forth in
IC 14-19-8-1.

(12) For purposes of IC 14-20-1, the meaning set forth in
IC 14-20-1-3.

(13) For purposes of IC 14-20-11, the meaning set forth in
IC 14-20-11-2.

**(14) For purposes of IC 14-21-4, the meaning set forth in
IC 14-21-4-10.**

~~(14)~~ (15) For purposes of IC 14-22-3, the meaning set forth in
IC 14-22-3-1.

~~(15)~~ (16) For purposes of IC 14-22-4, the meaning set forth in
IC 14-22-4-1.

~~(16)~~ (17) For purposes of IC 14-22-5, the meaning set forth in
IC 14-22-5-1.

~~(17)~~ (18) For purposes of IC 14-22-8, the meaning set forth in
IC 14-22-8-1.

~~(18)~~ (19) For purposes of IC 14-22-34, the meaning set forth in
IC 14-22-34-2.

~~(19)~~ (20) For purposes of IC 14-23-3, the meaning set forth in

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IC 14-23-3-1.

~~(20)~~ (21) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(5).

~~(21)~~ (22) For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.

~~(22)~~ (23) For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.

~~(23)~~ (24) For purposes of IC 14-25-11-19, the meaning set forth in IC 14-25-11-19.

~~(24)~~ (25) For purposes of IC 14-25.5, the meaning set forth in IC 14-25.5-1-3.

~~(25)~~ (26) For purposes of IC 14-28-5, the meaning set forth in IC 14-28-5-2.

~~(26)~~ (27) For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.

~~(27)~~ (28) For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.

~~(28)~~ (29) For purposes of IC 14-32-8, the meaning set forth in IC 14-32-8-1.

~~(29)~~ (30) For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

~~(30)~~ (31) For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

~~(31)~~ (32) For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

~~(32)~~ (33) For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

~~(33)~~ (34) For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 4. IC 14-8-2-123.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 123.5. "Historic courthouse", for purposes of IC 14-21-4, has the meaning set forth in IC 14-21-4-2.**

SECTION 5. IC 14-21-4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 4. Courthouse Preservation Advisory Commission

Sec. 1. As used in this chapter, "commission" refers to the courthouse preservation advisory commission established by section 3 of this chapter.

Sec. 2. As used in this chapter, "historic courthouse" refers to a county courthouse listed in or eligible for the National Register

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of Historic Places or the Indiana Register of Historic Sites and Structures.

Sec. 3. The courthouse preservation advisory commission is established.

Sec. 4. (a) The commission consists of the following individuals:

(1) One (1) licensed architect with experience in building preservation.

(2) One (1) registered professional engineer with experience in building preservation.

(3) One (1) architectural historian.

(4) One (1) county commissioner.

(5) One (1) representative of a local community foundation.

(6) One (1) representative of the Association of Indiana Counties.

(7) One (1) representative of the Indiana Association of County Commissioners.

(8) One (1) judge of a county, superior, or circuit court.

(9) The chief justice of the Indiana supreme court or the chief justice's designee.

(10) The director of the division or the director's designee.

(11) The president of the Historic Landmarks Foundation of Indiana or the president's designee.

(12) The director of the office of community and rural affairs or the director's designee.

(b) Members appointed under subsection (a)(1) through (a)(7) shall be appointed by the governor.

(c) The member appointed under subsection (a)(8) shall be appointed by the chief justice of the supreme court.

Sec. 5. (a) A member appointed under section 4(a)(1) through 4(a)(8) of this chapter serve for a term of three (3) years beginning July 1 the year of their appointment. However, a member appointed to fill a vacancy on the commission shall serve for the remainder of the unexpired term.

(b) Each appointed member of the commission serves at the pleasure of the appointing authority.

(c) The governor shall appoint a member of the commission to serve as the commission's chairperson.

Sec. 6. A member of the commission is not entitled to a minimum salary per diem provided by IC 4-10-11-2.1(b). However, subject to the availability of money in the courthouse preservation fund, a member is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually

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1 incurred in connection with the member's duties as provided in the
 2 state policies and procedures established by the Indiana
 3 department of administration and approved by the budget agency.

4 Sec. 7. (a) The division shall provide administrative support for
 5 meetings of the commission.

6 (b) Expenses incurred under this chapter shall be paid from
 7 money in the courthouse preservation fund.

8 Sec. 8. The affirmative votes of at least seven (7) members of the
 9 commission are required for the commission to take any official
 10 action, including issuing reports.

11 Sec. 9. The commission shall do the following:

12 (1) Upon request by county officials, travel to county
 13 courthouses to assess potential courthouse rehabilitation
 14 projects. The assessments may include providing an appraisal
 15 of the condition of the courthouse and rehabilitation cost
 16 estimates.

17 (2) Provide technical assistance for courthouse rehabilitation
 18 projects to encourage proper preservation practices.

19 (3) Upon request by county officials, review and provide
 20 recommendations on architectural plans for courthouse
 21 related projects.

22 (4) Upon request by county officials, review and provide
 23 recommendations on engineering plans for courthouse related
 24 projects.

25 (5) Provide county officials with information concerning
 26 funding sources for courthouse preservation projects.

27 (6) Make an assessment concerning the importance of
 28 preserving historic courthouses to the history and identity of
 29 county seats and counties.

30 (7) Make an assessment of the importance of preserving
 31 historic courthouses to the economic revitalization of county
 32 seats and counties.

33 (8) Investigate the need for rehabilitation, restoration, and
 34 maintenance of historic courthouses.

35 (9) Study the condition of historic courthouses.

36 (10) Study the needs of county officials in planning for the
 37 successful restoration, rehabilitation, and maintenance of
 38 historic courthouses.

39 (11) Meet at least once each quarter.

40 Sec. 10. (a) As used in this section, "fund" refers to the trust
 41 fund established under IC 14-21-1-13.5.

42 (b) The commission may accept grants, gifts, and donations

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intended for deposit in the fund.

(c) Funds received under this section shall be used for purposes of this chapter.

SECTION 6. IC 14-21-1-6 IS REPEALED [EFFECTIVE JULY 1, 2008].

SECTION 7. [EFFECTIVE JULY 1, 2008] (a) As used in this SECTION, "commission" refers to the courthouse preservation advisory commission established by IC 14-21-4-3, as added by this act.

(b) Notwithstanding IC 14-21-4-5, as added by this act, the initial members of the commission shall be appointed to terms as follows:

(1) One (1) member appointed under IC 14-21-4-4(a)(1), as added by this act, for a term of three (3) years.

(2) One (1) member appointed under IC 14-21-4-4(a)(2), as added by this act, for a term of three (3) years.

(3) One (1) member appointed under IC 14-21-4-4(a)(3), as added by this act, for a term of three (3) years.

(4) One (1) member appointed under IC 14-21-4-4(a)(4), as added by this act, for a term of two (2) years.

(5) One (1) member appointed under IC 14-21-4-4(a)(5), as added by this act, for a term of two (2) years.

(6) One (1) member appointed under IC 14-21-4-4(a)(6), as added by this act, for a term of two (2) years.

(7) One (1) member appointed under IC 14-21-4-4(a)(7), as added by this act, for a term of one (1) year.

(8) One (1) member appointed under IC 14-21-4-4(a)(8), as added by this act, for a term of one (1) year.

(c) Notwithstanding IC 14-21-4-5, as added by this act, initial appointments under subsection (b) must be made not later than August 1, 2008.

(d) The commission shall submit a report to the legislative council before August 1, 2011, that includes the commission's findings and recommendations concerning the topics in IC 14-21-4-9(5) through IC 14-21-4-9(9), as added by this act. The report must be in an electronic format under IC 5-14-6.

(e) This SECTION expires July 1, 2012.

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COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 176, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 6, line 37, after "the" insert "**trust fund established under IC 14-21-1-13.5.**".

Page 6, delete lines 38 through 42.

Page 7, line 1, delete "(c)" and insert "(b)".

Page 7, line 1, delete "fund consists of:" and insert "**commission may accept grants, gifts, and donations intended for deposit in the fund.**"

(c) Funds received under this section shall be used for purposes of this chapter."

Page 7, delete lines 2 through 11.

and when so amended that said bill do pass.

(Reference is to SB 176 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 8, Nays 0.

 SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Senate Bill 176.

MERRITT

 SENATE MOTION

Madam President: I move that Senate Bill 176 be amended to read as follows:

Page 5, line 8, delete "structural" and insert "**registered professional**".

Page 6, between lines 21 and 22, begin a new line block indented and insert:

"(4) Upon request by county officials, review and provide

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recommendations on engineering plans for courthouse related projects."

Page 6, line 22, delete "(4)" and insert "**(5)**".

Page 6, line 24, delete "(5)" and insert "**(6)**".

Page 6, line 27, delete "(6)" and insert "**(7)**".

Page 6, line 30, delete "(7)" and insert "**(8)**".

Page 6, line 32, delete "(8)" and insert "**(9)**".

Page 6, line 33, delete "(9)" and insert "**(10)**".

Page 6, line 36, delete "(10)" and insert "**(11)**".

(Reference is to SB 176 as printed January 18, 2008.)

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